

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-CR-255

vs.

Hon. Paul L. Maloney
Chief U.S. District Judge

GUILLERMO SAMANO-PADILLA, et al.,

Defendants,

JUSTINO CASTANEDA,

Petitioner.

**SETTLEMENT AGREEMENT REGARDING
REAL PROPERTY 19558 72nd STREET, SOUTH HAVEN, MICHIGAN**

WHEREAS, pursuant to their plea agreements and plea hearings, the Defendants consented to the forfeiture of their interests in certain property identified in the Forfeiture Allegation of the First Superseding Indictment, to include the following real property (hereinafter the "Subject Property"):

- g. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 19558 72nd Street, South Haven, Michigan, South Haven Charter Township, County of Van Buren, more particularly described as:

Beginning at the Southeast corner of Section 26, Town 1 South, Range 17 West, according to the Government Survey thereof; thence West along the South Section line, 500.00 feet; thence North 0 degrees 30 feet 11 inches East, 800 feet; thence East 500.00 feet to the East Section line; thence South 00 degrees 30 feet 11 inches West on same, 800.00 feet to the place of beginning.

P.P. #80-17-026-020-20 and 80-17-026-020-02.

Titled owners of property: Justino Castaneda and Mercedalia Castaneda;

WHEREAS, on or about April 13, 2009, this Court entered a Preliminary Order of Forfeiture (the "Preliminary Order") regarding, *inter alia*, the Subject Property, upon finding that the Defendants had an interest in the Subject Property and that the government had established the requisite nexus between the Subject Property and the Defendants' criminal conduct;

WHEREAS, following the entry of the Preliminary Order, on or about May 19, 2009, Petitioner Justino Castaneda (hereinafter the "Petitioner") filed a Petition for Hearing on Preliminary Order of Forfeiture, in which he claimed an interest in the Subject Property;

WHEREAS, the government, with the cooperation of Petitioner, has fully and fairly evaluated Petitioner's claim of interest in the Subject Property; and

WHEREAS, the parties to this Agreement, in the interest of fully resolving the Petitioner's claim of interest in the Subject Property and any claim of Petitioner's spouse, Mercedalia Castaneda, that exists or may in the future exist regarding the Subject Property, wish to settle any and all such claims.

IT IS HEREBY STIPULATED that Plaintiff United States of America, by and through Heath M. Lynch, Special Assistant United States Attorney, and Petitioner and Petitioner's spouse, Mercedalia Castaneda, by and through their attorney, Anastase Markou, consent to settle any and all of their existing and/or potential claims to the Subject Property pursuant to the following terms:

1. The parties acknowledge that Petitioner has asserted a claim of ownership to the Subject Property as the holder of a Warranty Deed, together with Mercedalia Castaneda, regarding the same.

2. The United States agrees to release the *Lis Pendens* filed with the Van Buren County Register of Deeds on the Subject Property and otherwise to cease forfeiture proceedings upon the Subject Property.

3. Petitioner and Mercedalia Castaneda agree to release and hold harmless Plaintiff United States, and any agents, servants, and employees of the United States, including without limitation the United States Attorney's Office for the Western District of Michigan and the Drug Enforcement Administration (and any involved state or local law enforcement agencies and their agents, servants, or employees), in their individual or official capacities, from any and all claims, demands, damages, causes of action or suits of whatever kind and description, and wheresoever situated, that might now exist or hereafter exist by reason of any action by Plaintiff against or relating to the Subject Property.

4. Petitioner understands and agrees that this Agreement shall be in full settlement and satisfaction of his claim to the Subject Property and of all potential claims resulting from the incidents or circumstances giving rise to this forfeiture action. Petitioner waives any right to litigate further his interest in the Subject Property in any forum, State or Federal. Petitioner further understands and agrees that, provided this Agreement is approved by the Court, Petitioner shall be excused and relieved from further participation in this action, unless specifically directed by order of the Court.

5. Mercedalia Castaneda understands and agrees that this Agreement shall be in full settlement and satisfaction of all potential claims to the Subject Property resulting from the incidents or circumstances giving rise to this forfeiture action. Mercedalia Castaneda waives any right to litigate her interest in the Subject Property in any forum, State or Federal.


6. The parties understand and agree that this Agreement has been entered into by all parties freely, knowingly, and voluntarily, and it incorporates the complete understanding between the parties. No other promises have been made, nor may any additional agreements, understandings

or conditions be entered into, unless in a writing signed by all parties or on the record in open court

Respectfully submitted,

DONALD A. DAVIS
United States Attorney

Dated: February 5, 2010
Mark


HEATH M. LYNCH
Special Assistant United States Attorney

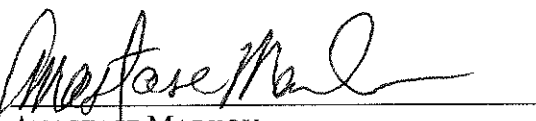
Dated: February 11, 2010


PETITIONER JUSTINO CASTANEDA

Dated: February __, 2010


MERCEDALIA CASTANEDA

Dated: February 11, 2010


ANASTASE MARKOU
Levine & Levine
Attorney for Petitioner Justino Castaneda and
Mercedalia Castaneda

The Court being fully advised in the premises, APPROVES
the settlement.

IT IS SO ORDERED.

Date: March 25, 2010

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge